

Senate Study Bill 1027 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to the licensure of orthotists, prosthetists,
2 and pedorthists and providing for fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and
13 family therapist, mental health counselor, social worker,
14 massage therapist, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, practice as a physician
20 assistant, psychology, chiropractic, nursing, dentistry,
21 dental hygiene, dental assisting, optometry, speech pathology,
22 audiology, pharmacy, physical therapy, physical therapist
23 assisting, occupational therapy, occupational therapy
24 assisting, respiratory care, cosmetology arts and sciences,
25 barbering, mortuary science, marital and family therapy, mental
26 health counseling, social work, dietetics, massage therapy,
27 athletic training, acupuncture, nursing home administration,
28 hearing aid dispensing, ~~or~~ sign language interpreting or
29 transliterating, orthotics, prosthetics, or pedorthics.

30 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
31 to read as follows:

32 1. A person shall not engage in the practice of medicine
33 and surgery, podiatry, osteopathic medicine and surgery,
34 psychology, chiropractic, physical therapy, physical
35 therapist assisting, nursing, dentistry, dental hygiene,

1 dental assisting, optometry, speech pathology, audiology,
2 occupational therapy, occupational therapy assisting,
3 orthotics, prosthetics, pedorthics, respiratory care,
4 pharmacy, cosmetology arts and sciences, barbering, social
5 work, dietetics, marital and family therapy or mental health
6 counseling, massage therapy, mortuary science, athletic
7 training, acupuncture, nursing home administration, hearing aid
8 dispensing, or sign language interpreting or transliterating,
9 or shall not practice as a physician assistant, unless the
10 person has obtained a license for that purpose from the board
11 for the profession.

12 Sec. 3. Section 147.13, Code 2011, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 24. For orthotics, prosthetics, and
15 pedorthics, the board of orthotics, prosthetics, and
16 pedorthics.

17 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. x. For the board of orthotics, prosthetics,
20 and pedorthics, three persons licensed to practice orthotics,
21 prosthetics, or pedorthics who have engaged in the practice
22 of orthotics, prosthetics, or pedorthics in Iowa for at least
23 three years immediately preceding their appointment to the
24 board and two members who are not licensed to practice and who
25 shall represent the general public.

26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 24. a. An orthotist licensed under chapter
29 148F may use the words "licensed orthotist" after the person's
30 name or signify the same by the use of the letters "L.O." after
31 the person's name.

32 b. A pedorthist licensed under chapter 148F may use the
33 words "licensed pedorthist" after the person's name or signify
34 the same by the use of the letters "L.ped." after the person's
35 name.

1 c. A prosthetist licensed under chapter 148F may use the
2 words "licensed prosthetist" after the person's name or signify
3 the same by the use of the letters "L.P." after the person's
4 name.

5 Sec. 6. NEW SECTION. 148F.1 Title and purpose.

6 1. This chapter may be cited and referred to as the
7 "*Orthotics, Prosthetics, and Pedorthics Practice Act*".

8 2. The purpose of this chapter is to provide for the
9 regulation of persons offering orthotic, prosthetic, and
10 pedorthic services to the public in order to safeguard the
11 public health, safety, and welfare.

12 Sec. 7. NEW SECTION. 148F.2 Definitions.

13 As used in this chapter:

14 1. "*Board*" means the board of orthotics, prosthetics, and
15 pedorthics.

16 2. "*Orthotic and prosthetic scope of practice*" means a
17 list of tasks, with relative weight given to such factors
18 as importance, criticality, and frequency, based on
19 internationally accepted standards of orthotic and prosthetic
20 care as outlined by the international society of prosthetics
21 and orthotics' professional profile for category I and category
22 III orthotic and prosthetic personnel.

23 3. "*Orthotics*" means the science and practice of evaluating,
24 measuring, designing, fabricating, assembling, fitting,
25 adjusting, or servicing an orthosis under an order from a
26 licensed physician or podiatric physician for the correction or
27 alleviation of neuromuscular or musculoskeletal dysfunction,
28 disease, injury, or deformity.

29 4. "*Orthotist*" means a health care professional,
30 specifically educated and trained in orthotic patient care,
31 who measures, designs, fabricates, fits, or services orthoses
32 and may assist in the formulation of the order and treatment
33 plan of orthoses for the support or correction of disabilities
34 caused by neuromusculoskeletal diseases, injuries, or
35 deformities.

1 5. "*Pedorthic scope of practice*" means a list of tasks
2 with relative weight given to such factors as importance,
3 criticality, and frequency based on nationally accepted
4 standards of pedorthic care as outlined by the national
5 commission on orthotic and prosthetic education comprehensive
6 analysis with an empirical validation study of the profession
7 performed by an independent testing company.

8 6. "*Pedorthics*" means the science and practice of
9 evaluating, measuring, designing, fabricating, assembling,
10 fitting, adjusting, or servicing a pedorthic device under an
11 order from a licensed physician or podiatric physician for the
12 correction or alleviation of neuromuscular or musculoskeletal
13 dysfunction, disease, injury, or deformity.

14 7. "*Pedorthist*" means a health care professional,
15 specifically educated and trained in pedorthic patient
16 care, who measures, designs, fabricates, fits, or services
17 pedorthic devices and may assist in the formulation of the
18 order and treatment plan of pedorthic devices for the support
19 or correction of disabilities caused by neuromusculoskeletal
20 diseases, injuries, or deformities.

21 8. "*Prosthesis*" means an artificial medical device that
22 is not surgically implanted and that is used to replace a
23 missing limb, appendage, or any other external human body part
24 including an artificial limb, hand, or foot. "*Prosthesis*"
25 does not include artificial eyes, ears, fingers, or toes,
26 dental appliances, cosmetic devices such as artificial breasts,
27 eyelashes, or wigs, or other devices that do not have a
28 significant impact on the musculoskeletal functions of the
29 body.

30 9. "*Prosthetics*" means the science and practice of
31 evaluating, measuring, designing, fabricating, assembling,
32 fitting, adjusting, or servicing a prosthesis under an order
33 from a licensed physician.

34 10. "*Prosthetist*" means a health care professional,
35 specifically educated and trained in prosthetic patient care,

1 who measures, designs, fabricates, fits, or services prostheses
2 and may assist in the formulation of the order and treatment
3 plan of prostheses for the replacement of external parts of the
4 human body lost due to amputation or congenital deformities or
5 absences.

6 Sec. 8. NEW SECTION. **148F.3 Duties of the board.**

7 The board shall administer this chapter. The board's duties
8 shall include but are not limited to the following:

9 1. Adoption of rules to administer and interpret this
10 chapter, chapter 147, and chapter 272C with respect to the
11 education and licensing of orthotists, prosthetists, and
12 pedorthists.

13 2. Adoption of rules to establish accepted standards of
14 orthotic and prosthetic scope of practice.

15 3. Adoption of rules relating to professional conduct and
16 licensing and the establishment of ethical and professional
17 standards of practice.

18 4. Acting on matters concerning licensure and the process
19 of applying for, granting, suspending, imposing supervisory
20 or probationary conditions upon, reinstating, revoking, or
21 renewing a license.

22 5. Establishing and collecting licensure fees as provided
23 in section 147.80.

24 6. Developing continuing education requirements as a
25 condition of license renewal.

26 7. Evaluating requirements for licensure in other states to
27 determine if reciprocity may be granted.

28 Sec. 9. NEW SECTION. **148F.4 Persons and practices not**
29 **affected.**

30 This chapter does not prevent or restrict the practice,
31 services, or activities of any of the following:

32 1. A person licensed in this state by any other law from
33 engaging in the profession or occupation for which the person
34 is licensed.

35 2. A person employed as an orthotics, prosthetics, or

1 pedorthics practitioner by the government of the United States
2 if that person practices solely under the direction or control
3 of the organization by which the person is employed.

4 3. A person pursuing a course of study leading to a degree
5 or certificate in recreational therapy in an educational
6 program accredited or approved according to rules adopted by
7 the board, if the activities and services constitute a part of
8 a supervised course of study and the person is designated by a
9 title which clearly indicates the person's status as a student
10 or trainee.

11 Sec. 10. NEW SECTION. 148F.5 Qualifications for licensure
12 as orthotist, prosthetist, or pedorthist.

13 1. To qualify for a license to practice orthotics or
14 prosthetics, a person shall meet the following requirements:

15 a. Possess a baccalaureate degree from a college or
16 university.

17 b. Have completed the amount of formal training including
18 but not limited to any hours of classroom education and
19 clinical practice established and approved by the board.

20 c. Complete a clinical residency in the professional area
21 for which a license is sought in accordance with standards,
22 guidelines, or procedures for residencies established and
23 approved by the board. The majority of training must be
24 devoted to services performed under the supervision of a
25 licensed practitioner of orthotics or prosthetics or a person
26 certified as a certified orthotist, certified prosthetist,
27 or certified prosthetist orthotist whose practice is located
28 outside the state.

29 d. Pass all written, practical, and oral examinations that
30 are required and approved by the board.

31 e. Be qualified to practice in accordance with accepted
32 standards of orthotic and prosthetic care as established by the
33 board.

34 2. To qualify for a license to practice pedorthics, a person
35 shall meet the following requirements:

- 1 *a.* Submit proof of a high school diploma or its equivalent.
- 2 *b.* Have completed the amount of formal training including
- 3 but not limited to any hours of classroom education and
- 4 clinical practice established and approved by the board.
- 5 *c.* Complete a qualified work experience program or
- 6 internship in pedorthics that has a minimum of one thousand
- 7 hours of pedorthic patient care experience in accordance
- 8 with any standards, guidelines, or procedures established
- 9 and approved by the board. The majority of training must
- 10 be devoted to services performed under the supervision of a
- 11 licensed practitioner of pedorthics or a person certified as
- 12 a certified pedorthist whose practice is located outside the
- 13 state.
- 14 *d.* Pass all examinations that are required and approved by
- 15 the board.
- 16 *e.* Be qualified to practice in accordance with accepted
- 17 standards of pedorthic care as established by the board.
- 18 3. The standards and requirements for licensure established
- 19 by the board shall be substantially equal to or in excess of
- 20 standards commonly accepted in the professions of orthotics,
- 21 prosthetics, or pedorthics, as applicable. The board shall
- 22 adopt rules as necessary to set the standards and requirements.
- 23 4. A person may be licensed in more than one discipline.
- 24 Sec. 11. NEW SECTION. **148F.6 Assistants and technicians.**
- 25 1. *a.* A person shall not work as an assistant to an
- 26 orthotist or prosthetist or provide patient care services or
- 27 fabrication of orthoses or prostheses, unless the work is
- 28 performed under the supervision of a licensed orthotist or
- 29 prosthetist.
- 30 *b.* An assistant may perform orthotic or prosthetic
- 31 procedures and related tasks in the management of patient care.
- 32 An assistant may also fabricate, repair, and maintain orthoses
- 33 and prostheses.
- 34 2. *a.* A person shall not work as a technician unless
- 35 the work is performed under the supervision of a licensed

1 orthotist, prosthetist, or pedorthist.

2 *b.* A technician may assist a person licensed under this
3 chapter with fabrication of orthoses, prostheses, or pedorthic
4 devices but shall not provide direct patient care.

5 Sec. 12. NEW SECTION. 148F.7 Limitation on provision of
6 care and services.

7 A licensed orthotist, prosthetist, or pedorthist may provide
8 care or services only if the care or services are provided
9 pursuant to an order from a licensed physician, a licensed
10 podiatric physician, an advanced registered nurse practitioner
11 who has a written collaborative agreement with a collaborating
12 physician or podiatric physician that specifically authorizes
13 ordering the services of an orthotist, prosthetist, or
14 pedorthist, an advanced registered nurse practitioner who
15 practices in a hospital or ambulatory surgical treatment center
16 and possesses clinical privileges to order services of an
17 orthotist, prosthetist, or pedorthist, or a physician assistant
18 who has been delegated the authority to order the services of
19 an orthotist, prosthetist, or pedorthist by the assistant's
20 supervising physician. A licensed podiatric physician or an
21 advanced registered nurse practitioner collaborating with a
22 podiatric physician may only order care or services concerning
23 the foot from a licensed prosthetist.

24 Sec. 13. Section 272C.1, subsection 6, Code 2011, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *ag.* The board of orthotics, prosthetics, and
27 pedorthics, created pursuant to chapter 147.

28 Sec. 14. INITIAL BOARD. The initial members of the board of
29 orthotics, prosthetics, and pedorthics established pursuant to
30 this Act shall be appointed to the following terms:

31 1. Two professional members eligible for licensure and one
32 public member shall be appointed for a term of two years.

33 2. One professional member eligible for licensure and one
34 public member shall be appointed for a term of one year.

35 EXPLANATION

1 This bill creates new Code chapter 148F that requires
2 the licensure of persons offering orthotic, prosthetic, or
3 pedorthic services. The bill provides for the establishment of
4 a five-member licensing board consisting of three professional
5 members and two members who represent the general public.

6 The bill provides for fees to fund the board and provides
7 penalties for violation of the practice requirement. The
8 penalties, including criminal penalties, are set out for all
9 health-related boards in Code chapters 147 and 272C. The board
10 is similar in composition and responsibilities to the other
11 health-related licensing boards.

12 Orthotics is the science and practice of evaluating,
13 measuring, designing, fabricating, assembling, fitting,
14 adjusting, or servicing a custom-fabricated or custom-fitted
15 brace or support for the correction or alleviation of
16 neuromuscular or musculoskeletal dysfunction, disease, injury,
17 or deformity.

18 Pedorthics is the science and practice of evaluating,
19 measuring, designing, fabricating, assembling, fitting,
20 adjusting, or servicing a specially designed shoe or shoe
21 insert for the correction or alleviation of neuromuscular or
22 musculoskeletal dysfunction, disease, injury, or deformity.

23 Prosthetics is the science and practice of evaluating,
24 measuring, designing, fabricating, assembling, fitting,
25 adjusting, or servicing an artificial medical device that is
26 not surgically implanted and that is used to replace a missing
27 limb, appendage, or any other external human body part.

28 The bill provides qualifications for licensure as an
29 orthotist, prosthetist, or pedorthist and requirements for
30 assistants and technicians to be supervised by such licensees.